

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

_____	)	
JEFFERY S. WASHINGTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	C.A. No. 03-444 S
	)	
A.T. WALL, Director of the	)	
Department of Corrections,	)	
	)	
Respondent.	)	
_____	)	

**ORDER**

WILLIAM E. SMITH, Chief Judge.

On March 10, 2014, United States Magistrate Judge Patricia A. Sullivan issued a Report and Recommendation ("R&R") in the above-captioned matter (ECF No. 33). Therein, Judge Sullivan recommended that this Court deny a Motion for Leave to Proceed in forma pauperis ("IFP") filed by Petitioner Jeffery Washington. Petitioner filed both an objection to the R&R (ECF No. 34) and a subsequent IFP Motion (ECF No. 35). For the reasons set forth below, Petitioner's objection is DENIED, the R&R is ACCEPTED, and Petitioner's IFP Motions (ECF Nos. 29, 35) are DENIED.

In Petitioner's objection, he restates the same claim that Judge Sullivan determined was decided by the First Circuit in an Order dated December 23, 2010. Washington v. Wall, No. 10-2445,

slip op. at 1 (1st Cir. Dec. 23, 2010). As Judge Sullivan notes, "[i]n the face of the Circuit Court's denial of leave to pursue this argument in a second or successive petition, Petitioner's attempt to pursue this appeal is frivolous and not taken in good faith." (R&R at 6.) Although Petitioner attempted to remedy the procedural defects in his first IFP Motion by filing a second IFP Motion, the substantive defects identified in the R&R remain.

Because this Court agrees with the R&R's conclusion that Petitioner's appeal is not taken in good faith based on the frivolous nature of Petitioner's claim, it hereby accepts the R&R pursuant to 28 U.S.C. § 636(b)(1).<sup>1</sup> Petitioner's Motions for Leave to Proceed IFP are DENIED.

IT IS SO ORDERED.



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William E. Smith  
Chief Judge  
Date: June 19, 2014

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<sup>1</sup> Per Judge Sullivan's R&R, the Court declines to issue a Certificate of Appealability.